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"These two items of expenditure have been found in making up the accounts of the year's expenditure. They have been submitted to the Public Accounts Committee which, in both the cases, has recommended that the excess grants should be moved in the Legislative Council in order to regularize the expenditure. I think hon. Members have already in their hands explanatory notes relating to both these items and I trust they will find all the necessary information there. Therefore I do not want to detain the House by going into details now."

The hon. Sir MAHOMED USMAN :—"I beg to second it."

The demands were put and carried and the grants made.

X.—A BILL FURTHER TO AMEND THE MADRAS CITY CIVIL COURT ACT, 1892 (BILL No. 14 OF 1933).

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—"I beg to introduce—

'*a Bill further to amend the Madras City Civil Court Act,* 1892 (*Bill No.* 14 *of* 1933) *and move that it be referred to a Select Committee consisting of Members whose names have already been circulated to hon. Members.*'

"For the benefit of the House I shall read the names:—

1. Diwan Bahadur Sir Alladi Krishnaswami Ayyar (Advocate-General).
2. Mr. G. Sriramulu.
3. ,, T. Sundara Rao Nayudu.
4. ,, M. A. Muthiah Chettiyar.
5. Dr. P. Subbarayan.
6. Mr. Sami Venkatachalam Chetti.
7. ,, Basheer Ahmed Sayeed.
8. ,, Mahboob Ali Baig.
9. ,, K. P. Raman Menon.
10. ,, A. Ranganatha Mudaliyar.
11. Rao Bahadur C. Natesa Mudaliyar.
12. Mr. F. Birley.
13. ,, R. Madanagopal Nayudu.
14. ,, T. C. Srinivasa Ayyangar.
15. The hon. Diwan Bahadur Sir M. Krishnan Nayar (Mover).

Sir, it is a very short Bill and the object of the Bill is to enhance the pecuniary jurisdiction of the Madras City Civil Court from its present maximum limit, viz., Rs. 2,500 to Rs. 10,000. The High Court has been strongly pressing upon the Government the need to introduce the present Bill for enhancing the jurisdiction of this court to Rs. 10,000. I may also mention that the Civil Justice Committee in 1925 reported that the pecuniary jurisdiction of the City Civil Court should be enhanced. My friends in this House will remember that the pecuniary limit of the Sub-Judges in the mufassal is unlimited. They have the right of disposing of suits whose valuation goes up to lakhs and crores of rupees and even the jurisdiction of a District Munsif is

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Rs. 3,000. Now, the jurisdiction, according to the existing circumstances of the City Civil Court is only Rs. 2,500 which, as I submitted already, is less than the pecuniary jurisdiction of a District Munsif. Let us compare the status of the Judges who are appointed to this court with that of others. Of course the Sub-Judges are superior to and more experienced than Munsifs and they are accordingly invested with the power of trying suits of any valuation. But the City Civil Judge is an officer who occupies a higher status than even Sub-Judges. For instance, the present City Civil Judge in Madras is a senior Sub-Judge and his juniors are acting as District Judges. So far as the capacity of the City Civil Judge in trying suits whose valuation goes up to Rs. 10,000 is concerned, there can be no doubt that he is certainly competent to dispose of such suits. There is also this further fact that the pressure of work caused by first and second appeals from the decisions of the Courts in the mufassal to the High Court, is very great and it is desirable in the interests of the litigant public that relief should be given to the High Court Judges, so that they may have more time to pay attention to first and second appeals. Thus, if the jurisdiction of the City Civil Court is enhanced to Rupees 10,000 the Judges of the High Court will find more time than they are able to devote at present to disposing of first and second appeals. I may also state that in the past several budget motions were tabled, though they were not reached for recommending to the Government the enhancement of the jurisdiction of the City Civil Court. The Bill is a very small measure which consists of only one section. I first wanted not to refer it to a Select Committee, but seeing that some of my European friends raised objection to the jurisdiction of the City Civil Court being enhanced, I thought it advisable to refer it to a Select Committee."

The hon. Sir MAHOMED USMAN:—"I second the motion."

1 P.M. "Mr. BASHEER AHMED SAYEED:—"Mr. President,, we should thank the hon. the Law Member for having agreed to refer this Bill to a Select Committee. I entirely agree with the arguments that he has put forward in favour of a measure of this kind. But there are some other aspects of the question which he should consider. In the first place I should like to know whether he has considered whether the existing condition of filings and disposals of suits, applications and petitions in the High Court of Judicature, justifies the enhancement of the jurisdiction of the City Civil Court. I quite remember that I myself on several occasions on the floor of this House asked whether the question of the enhancement of the jurisdiction of the City Civil Court was going to be settled by the Government or not. But it was at a time when the filing in the High Court was normal and the disposal of suits and appeals by the High Court on the appellate side was delayed. Similarly, filings and disposals with regard to the City Civil Court were normal. The nature of the work was such that it was possible for the High Court on the Original Side and the City Civil Court to cope with the situation. But as the hon. the Law Member himself knows, things have changed

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during the last two or three years. Whether in the changed circumstances there is still justification for enhancing the jurisdiction of the City Civil Court is a question which the Government should examine. The Government have also to examine whether the proposal to increase the jurisdiction up to Rs. 10,000 will involve any reduction of officers who are now dealing with Original Side matters in the High Court. For, is it not a fact that the number of officers dealing with Original Side cases, applications and other miscellaneous petitions has been increased during the course of the last five or six years since 1926 or 1927? The Government have to examine whether during these years there has not also been a corresponding decrease in the amount of work on the Original Side of the High Court. I want to ask the hon. the Law Member whether he will be able to tell the House or the Select Committee, whether on account of the less work that will be done by the Original Side of the High Court, officers of the Original Side will be able to help to dispose of the accumulating arrears of first appeals, second appeals, letters patent appeals and Criminal appeals on the Appellate Side—arrears which have been pending for years. I want also to know whether by these proposals, the Government will be able to save anything, because these are days of retrenchment when every pie will be valuable to the Government. These are days when the filings on the Original Side of the High Court are very small, and the filings in the City Civil Court also are very small. Therefore, if the jurisdiction of the City Civil Court is enhanced, there will be correspondingly less work for the Original Side of the High Court and the question will have to be considered whether there will be any need to retain the present strength of officers on the Original Side, unless it be that they are asked to help the Appellate Side officers in disposing of their arrears. I should also like to know whether the Madras Advocates' Association has been consulted in this matter and, if so, what their opinion is and what view the Government have taken of it. I want to know if the High Court have made their recommendations on this proposal and I ask the hon. the Law Member to take the House or the Select Committee into his confidence and tell us under what circumstances they made their recommendations and whether under the present circumstances they stick to those recommendations. The opinion of the judges of the City Civil Court, if it has been elicited, will be of great help to the Select Committee which is going to deal with the matter.

"There is one other point which I should like the hon. the Law Member to consider. This is a great change that is involved in the enhancement of the jurisdiction of the City Civil Court. I want to know whether it will affect the High Court Fees Rules and the interests of those vakils who are already suffering much on account of few filings and on account of the general depression everywhere. The hon. the Law Member is aware that the scale of fees payable to practitioners on the Original Side of the High Court is quite different from what obtains in the City Civil Court. I want to know whether the High Court has taken into consideration the alterations that will have to be made so that the position of the practitioners may not be affected

and whether there will be any proposal to have a revised scale of fees for the City Civil Court. I wish the hon. the Law Member takes all these matters into his consideration, and places before the Select Committee all the materials that he might have at his disposal on which he has come to the conclusion that it is necessary to enhance the jurisdiction of the City Civil Court. I once more welcome this measure and appreciate the attitude the hon. the Law Member has taken in referring this Bill to a Select Committee in order that it may be considered in all its aspects."

* The hon. the PRESIDENT:—" Is the hon. the Law Member going to reply?"

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I do not think it is necessary, Mr. President. The hon. Member who has just spoken has not opposed my motion. I shall bear in mind all the suggestions he has made, and all the materials at the disposal of the Government will be placed before the Select Committee in the first instance and later on before the Council."

Rao Sahib Pandit GANALA RAMAMURTI:—" Mr. President, I move that the name of Mr. H. M. Jagannatham be added to the list of members of the Select Committee."

Swami A. S. SAHAJANANDAM:—" I second it."

The question was put and lost.

The question, that the Bill be referred to a Select Committee, as proposed by the hon. the Law Member, was put and carried.

## XI.—A BILL TO AMEND THE MADRAS TOWN-PLANNING ACT, 1920 (BILL No. 1 OF 1934).[a]

* The hon. the RAJA OF BOBBILI:—" Mr. President, I beg to introduce a Bill to amend the Madras Town-Planning Act, 1920 (Bill No. 1 of 1934), and move that the Bill be taken into consideration.

" Mr. President, under the existing Act, only three years' time is given from the date of notification under section 14 of the Act for the acquisition of lands. But owing to reasons of finance and other causes it has been found that the local bodies have not been able to complete their town-planning and other details of the scheme within the statutory period of three years. The proposed amending Bill gives them the option of proceedings either under the Town-Planning Act or under the Land Acquisition Act. Of course in the case of proceedings under the Land Acquisition Act, the owner will be entitled to a compensation of 15 per cent prescribed under section 23 (2) of that Act.

" Advantage has been taken of this amending Bill to correct certain mistakes. In section 42 (3) of the Town-Planning Act, the reference to sections 35 and 40 of the Madras District Municipalities Act, 1920, is a mistake for sections 34 and 39 of that Act. That mistake has now been corrected."

Mr. E. CONRAN SMITH:—" I second it."

[a] Published in the *Fort St. George Gazette* on 16th January 1934.